

platform and war programme of the Socialist party as it was adopted at the party convention in St. Louis in April, 1917, after this country had entered the war. This was read into the record by Substant, and tied up with the committee's charges against the accused by subsequent evidence which showed that the local of each of the five assemblies had approved the platform. This platform contained the following excerpts from a preamble and subjoined pledges: "We brand the declaration of war by our Government as a crime against the people of the United States and against the nations of the world."

"In all modern history there has been no war more unjustifiable than the war in which we are about to engage."

"No greater dishonor has ever been forced upon a people than that which the capitalist class is forcing upon this nation against its will."

"In harmony with these principles the Socialist party emphatically rejects the proposal that in time of war the workers should suspend their struggle for better conditions. On the contrary, the acute situation created by war calls for an even more vigorous prosecution of the class struggle, and we recommend to the workers and pledge ourselves to the following course of action:

"1. Continuance of active and public opposition to the war, through demonstration, mass petitions, and all other means within our power."

"2. Unyielding opposition to all proposed legislation for military or industrial conscription."

**Opposed Conscription.**

"Should such conscription be forced upon the people we pledge ourselves to continuous efforts for the repeal of such laws and to the support of all mass movements in opposition to conscription. We pledge ourselves to oppose with all our strength any attempt to raise money for payment of war expenses by taxing the necessities of life or issuing bonds which will put the burden upon future generations. We demand that the capitalist class, which is responsible for the war, pay its cost. Let those who kindle the fire furnish the fuel."

"3. Vigorous resistance to all reactionary measures, such as censorship of press and mail, restriction of the rights of free speech, assembly and organization, or compulsory arbitration and limitation of the right to strike."

"4. Consistent and unflinching opposition to military training and militaristic teaching in the schools."

"5. Extension of the campaign of education among the workers to organize them into strong class conscious and closely united political and industrial organizations, to enable them by concerted and harmonious mass action to shorten this war and to establish lasting peace."

"6. Widespread educational propaganda to enlighten the masses as to the true relation between capitalism and war and to rouse and organize them for action not only against present war evils, but for the prevention of future wars and for the destruction of the causes of war."

"7. To protect the masses of the American people from the pressing danger of starvation which the war in Europe has brought upon them and which the entry of the United States has already accentuated."

**Algermon Lee on Stand.**

Algermon Lee, educational director of the Rand School in New York, was on the stand when this testimony was read into the record. He said he had been a member of the National Committee of the Socialist party and of the New York State executive committee. He said that the above programme had been approved by popular vote in the various localities of the party after it had been drafted in the St. Louis convention, and that the process of recording the vote on the platform had taken several months. Seymour, Stedman, counsel for the Socialist party, got into the record at this point a statement that the President's call to Congress to convene for the declaration of war had been advanced two weeks from the original date, thus making the war a declaration prior rather than subsequent to the drafting of the Socialist antiwar platform. In reply to Stedman's statement the platform had been widely published in all of the Socialist newspapers of the country including the New York Call and the Milwaukee Leader, Victor Berger's paper. Mr. Sutherland then asked the witness if it was not a fact that at that convention the plank forbidding sabotage had not been stricken from the Socialist platform. Mr. Lee agreed that this had been done, and in explanation said that it was because that element of the party that advocated sabotage had been eliminated at that time.

"Was William D. Haywood in the party then?" Mr. Stedman asked on cross-examination.

"No, he was out," replied the witness.

**Stedman Denies Sabotage.**

In support of his contention that the Socialist party did not countenance sabotage, Mr. Stedman read into the record definitions of the term by John Spargo and Arturo Giovannitti appearing in the Socialist national campaign book, together with a declaration that

its practice was demoralizing to the workers themselves.

Asked by Mr. Stedman to explain just why the clause forbidding sabotage had been dropped from the Socialist constitution, Mr. Lee replied:

"It was dropped because between 1912 and 1917 it had ceased to be an issue within the party because those who considered sabotage as an efficient method of working class action had been eliminated or eliminated themselves from the party." Assemblyman Harrington interrupted the witness at this point: "That is your opinion as to the reason for striking it out?" he asked.

"That is my opinion gained from listening to and participating in discussions of the convention," the witness answered.

Mr. Stedman, continuing his cross-examination, drew from the witness the admission that he had been a member of the committee on platform and resolutions in most of the party conventions since the party's formation in this country. He asked: "Did you ever know of any resolution or platform plank introduced that recommended the overthrow of the Government by force?"

"I did not," Lee replied. "The witness was then asked to give the names of some of the lecturers of the Rand School. He recited several names, including those of Frank Tannebaum, Scott Nearing, Assemblyman Claessens, Prof. Charles A. Beard and Prof. Henry W. L. Dana."

**The Rand School's "Purpose."**

Assemblyman Culliver asked the witness to tell what sort of educational work was conducted in the Rand School and the witness replied that the students were instructed in the political, economic, political and historical subjects in order that "they might better understand and judge independently for themselves."

"Notwithstanding what you say," Mr. Culliver interrupted, "the Government of the United States said you were teaching sedition there, and you were convicted by a jury of the court, weren't you?"

Mr. Lee admitted that the American Socialist society had been convicted for the publication and circulation of foot Nearing's book, "The Great Madness."

Frank Wasserman of 553 Howard avenue, Brooklyn, an attorney with offices at 5 Beekman street, Manhattan, said that in February, 1917, he had met Assemblyman Claessens in public debate in Brooklyn on the question of "Socialism vs. Capitalism." He was examined by Martin Conboy, who asked:

"The course of that debate did any particular question come up regarding the methods by which the Socialists were to acquire the tools and sources of production?"

"It did," Wasserman replied. "I raised the question of the constitutional limitations concerning such a course and the reference to the Constitution raised a laugh of mirthful scorn."

The witness' characterization of the laugh was ordered stricken from the record, but in reply to the next question he said Claessens countered his argument on this line by declaring that the Constitution "was only a scrap of paper."

To further questions the witness said that Claessens on this occasion had repeatedly declared that the flag did not mean anything, that the only flag that meant anything was the red flag.

"He was elected after that, was he not?" put in Stedman.

"He was," admitted the witness.

**Admitted He Was Bolshevik.**

On another occasion the witness, who said he had been born in Russia but was an avowed anti-Socialist, said that he had met Assemblyman Solomon on the street in Brooklyn. He knew him well, he said, and they frequently engaged in political and social discussions. Sometime in September or October of last year, the witness said, he asked Solomon if he was a Bolshevik, to which the Assemblyman replied that he was. The witness related his conversation with Solomon.

"He stopped me, as he very frequently has in the past few years. We have been very friendly and we got into a discussion, as usual, and I said to him: 'Well, are you a Bolshevik?' He said, 'Yes, I have so stated in the Assembly chamber.' I said, 'Do you believe in all that Bolshevism stands for?' He said, 'I certainly do.' I said, 'Do you believe in the methods adopted by the Bolsheviks in forcing their rule of Government in Russia?' He said, 'I do.' I said, 'Do you believe that those methods are in keeping with democratic ideals and democratic principles?' He said, 'I do.' I said to him, 'Did you state that in the Assembly?' He said, 'I did.' I said, 'If I had been there I would have moved your expulsion immediately,' and then we went on to discuss other questions."

"I said, 'Do you think the Bolshevik ideas are adaptable to American institutions?' He said, 'Bolshevism is under way; the revolution is under way; it will come much sooner than I had expected it."

pected it. I said that I did not believe in that kind of doctrine, and we got into a discussion about the Sunday school classes that the Socialists were conducting in Brownsville. He said, 'We are teaching the children history from the Socialist standpoint. History as it is taught in the public schools and other instruction given there is all in the capitalist standpoint. We want our children to know it from the Socialist standpoint, so that they may be ready for the revolution.'"

**Lee Discusses Sabotage.**

Algermon Lee was recalled at this point for further questioning concerning the Socialist attitude toward sabotage. In reply to Mr. Sutherland he said that the clause forbidding sabotage was inserted in the party platform first in 1912.

"Now, let us turn to the question of the striking out of this sabotage clause that was inserted in 1912, was it?"

"A. In 1912."

"Q. Was there at that time some urgency which led to the insertion of that in your platform?"

"A. There was."

"Q. When did Haywood leave the Socialist party?"

"A. I cannot fix the time exactly. It was after 1912."

"Q. How long had he been in it?"

"A. Since, I should think, about 1905 or thereabouts."

"Q. Do you know when he left? Can you fix the time?"

"A. I should say within a year or two after the 1912 convention."

"Q. After the 1912 convention, within a year or two of it?"

"A. I believe so."

"Q. Then he was out, wasn't he, when this Congressional red book was issued in 1912, in which the new sabotage plank in the new platform was featured and praised as one of the good things about the Socialist party?"

"A. It was issued two years after the convention, about 1914, before a Socialist in subsequent conventions of the party the echoes of the discussion of 1912 had certainly not died down."

"Q. The Socialist Congressional campaign book was published in 1914, wasn't it?"

"A. In 1914."

"Q. And this book was part of the literature intended to help the Socialist party in that Congressional campaign?"

"A. Certainly."

"Q. And in that campaign book you put forth this anti-sabotage plank in your constitution with praise for its presence?"

"A. With the explanation of its meaning as a part of the exposition of the whole attitude of the party."

"Q. Haywood had got out already?"

"A. I believe he was out at that time. I am not positive as to that—probably was."

**No Longer an Issue.**

Q. Now do you wish us to understand really, honor bright, that the reason why you attribute the dropping of the anti-sabotage plank just after war was declared by the United States in April, 1917, was that the anti-sabotage clause in your constitution had become a dead letter?

A. Not because it had become a dead letter; because the issue which has led to its inclusion was no longer an issue.

Q. Was no longer of any consequence to your party?

A. In this sense, Judge Sutherland, that it was by that time a clear matter that the Socialist party was a political party dependent upon political action and upon the educational action which to our mind must underlie any political action to realize its aims, and that the party had definitely repudiated and had got rid of that antagonistic conception inconsistent with the freedom of the working class.

Q. Mr. Lee, at the very time that the convention was sitting which struck out the anti-sabotage plank, the nation was in its first week of war, wasn't it?

A. Yes, war had been declared.

Q. And the party was intensely hostile to the war, was it not?

A. It very early clearly declared its opposition.

Q. And your platform said that our entrance into the European war was instigated by the predatory capitalists in the United States, who boast of the enormous profit of \$7,000,000,000 from the manufacture and sale of munitions and war supplies and from the exportation of American foodstuffs and other necessities. That was part of your declaration there, wasn't it?

A. That was part of the proclamation.

Q. One of the means of putting a hindrance to the capitalist war was to commit sabotage in the manufacture of war munitions, wasn't it?

A. No, sir.

Q. Wouldn't it naturally occur to the worker in the munition factory reading this declaration that the war was brought on by capitalists in this country?

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try who had made seven billions of dollars in the manufacture of war munitions, and who was urged to use by mass action every means within his power to stop the war—wouldn't it occur to him, naturally, with that declaration from his party put into his hands by his party leaders, that the best thing he could do, working in the munition factory, would be to drop a wrench in the machinery and stop the works?"

A. No, sir; what we refer to there is mass action, and sabotage is distinctly individual action, not mass action.

Q. Where was it made clear?

A. In the discussion which led to the adoption of that proclamation.

Q. Did you issue any proclamations explaining to your party followers why you struck out the entire sabotage plank?

A. I don't think we did.

The first thing put into the record at today's session was a part of an article entitled "Young People's Socialist Organization," which urged Socialist locals to form young Socialist leagues and young people's clubs to educate youth in the principles of Socialism, and recommended that the National Executive Committee "give such aid and encouragement to this work as may seem to it best calculated to further the spread of Socialism among the youth of the United States."

From another part of the book Mr. Stedman read: "Such measures of relief as we may be able to force from capitalists are but a preparation of the workers to seize the whole powers of government in order that they may thereby lay hold to the whole system of socialized industry and thus come to their rightful inheritance."

The next thing to go into the record was the speech of Eugene V. Debs delivered March 12, before a Socialist meeting in Cleveland. Among other things Mr. Debs said: "I am opposed to the system under which we live, I am opposed to the Government that compels you to the great body of the American people to pay tribute to an insignificant few who enjoy life while the great body of the people suffer, struggle and agonize without ever having lived. Can you understand? I am sure you can."

Mr. Debs declared that he spoke "as a Socialist, as a revolutionary, and as a Bolshevik," and said he was appealing to the gathering as "the crowd, the mass, the common people."

He said anything about the Supreme Court, begowned and befettered, bewhiskered, old fossils, corporation lawyers, every one of them; they have not decided anything, they never have, they never will," Mr. Debs asserted.

**SYNOD DENOUNCES UNSEATING OF FIVE**

**Episcopalians Adopt Strong Resolution.**

A resolution of protest against the unseating of the five Socialist Assemblymen of New York was adopted yesterday by the Episcopal Province of New York and New Jersey in its sixth annual synod at Trinity Church, Newark.

The resolution deprecated the action of the Legislature at Albany "in unseating five duly elected members without having first proved them guilty of illegal or disloyal action."

The next session of the synod will be held in Buffalo in November. Bishop Edwin S. Lines was re-elected president for the seventh time. State Senator William J. Tully of Corning, N. Y., was chosen chairman of the house of deputies, and Samuel Thorne, Jr., of New York city was elected treasurer.

**HUGHES IS REBUKED BY JOHN B. LEAVITT**

**Criticism of Assembly Court Stirs Lawyer's Ire.**

John Brooks Leavitt, who has practiced law in this city for upward of fifty years, sent yesterday a letter of sharp rebuke to Charles E. Hughes and Mr. Hughes' associates on the Bar Association's committee which is resisting the attempt of the State Assembly to expel five Socialist members.

Mr. Leavitt confesses to a sense of shame that "five of our leaders of the bar" (Mr. Hughes, Morgan J. O'Brien, Louis Marshall, Joseph M. Proskauer and Ogden L. Mills) could so far forget the hitherto unbroken tradition of our profession which forbids public criticism of a court while an inquiry is sub judice as "dealing a heavier blow to our institutions than could ever be given by these humble Socialists."

The real issue in this inquiry by the Assembly," Mr. Leavitt continues, "is

The short sighted will acclaim their value. The far sighted will purchase for next winter—Overcoats were \$4.00 to \$12.50 now \$3.95 to \$10.00

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one of fact, to wit: Whether these five Socialists have made themselves directly or indirectly parties to any conspiracy, plan, project or party, call it by what name you will, for changing our Constitution by violence. If they have you must agree with me and all right minded men that they are not fit to sit in a body which makes our laws under the Constitution. You must also agree with me—and what right thinking lawyer will deny it—that the question whether, pending the inquiry, they could rightfully be debarred from their seats is a question of procedure which has nothing to do with the inquiry itself."

That the committee now rests its opposition solely upon a point of procedure and finds occasion to criticize a judicial assembly while a case is on trial arouses Mr. Leavitt's indignation and he closes his letter with:

"In a practice of some fifty years I have never heard of lawyers, pending the trial of an issue of fact, publicly criticizing the court. It is a tradition of our profession to wait till the court makes its decision before opening our mouths in criticism. I venture to prophesy that ere long you will wish that you had respected that tradition."

And he signs his name with the comment, "With much respect for you as able lawyers and high minded citizens, however little I may have for your breach of professional ethics and your common sense."

**GORDON HAMBY DIES IN ELECTRIC CHAIR**

*Continued from First Page.*

he said addressed to Dr. Squire, were: "Doc, where is that red handkerchief?"

This referred to a joke, as Hamby called it, that he had been having with Dr. Squire, whom he had advised to get a brand new red handkerchief with which to signal the electric chair.

Hamby was smiling when the electrician, hidden behind the curtain in a corner, threw the switch for the first shock. Hamby's face twitched, his muscles contracted, and then he was still. Two physicians hastily examined the heart action with a stethoscope, then signaled for another shock. Only a few minutes after this was sent through the electrodes Hamby was dead.

Shortly before noon Warden Laves called upon Hamby and found the murdered waiting to give him three letters to mail. One was to a young woman. Soon afterward the guards dressed him in his death suit of black, with black trousers slit to the knee, and a black shirt.

"Let me have a white shirt and a collar and tie," he requested.

Warden Laves had him these, a departure from the usual dress. The death house barber then shaved the hair off the top of his head and Hamby had a joke about that.

"I thought they were going to give me a German haircut," he remarked. "If they had I'd have turned over on the slab."

Hamby ate three hearty meals on his last day, and for supper he was served with steak, mushrooms, strawberries and coffee. He asked for lobster salad, but it was explained that the food might give him indigestion.

"Indigestion is the last thing I should worry about," he replied.

Hamby was known to the police as Jay B. Allen and Boyd Browning and had confessed to thirteen bank robberies, two train holdups and several murders. His real name never became known, although last night Dr. Thomas W. Edgar of 768 West End avenue, who witnessed the execution, said he recognized Hamby as a man who called on him two years ago, giving the name of Welch and a Brooklyn address.

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**LABOR TO ENTER PROTEST.**

**Speakers Named for Meeting in Albany To-morrow.**

The labor meeting to convene in Albany to-morrow afternoon in protest against the ousting of the five Socialist Assemblymen will be addressed, it was stated here yesterday, by Jacob Panken, Municipal Court Justice; A. I. Shipplough, Alderman, and Edward I. Hannah, president of the Central Federated Union of New York.

Delegates will be present from twenty-one up-State cities and from leading labor organizations of this city.

**GLYNN SEES NO INJUSTICE.**

**Says Purpose of the Assembly Court Is a High One.**

George A. Glynn, chairman of the Republican State Committee, reached New York last night after talking with the leaders in the Assembly in regard to the progress of the Socialist case.

"The matter is not a political question," declared Chairman Glynn. "The purpose is high. The methods come from the leaders of both parties. The public, both Republican and Democratic, is waiting for the completion of the case. The Assembly can be counted on to do no injustice."

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entree and place plates, and salad sets, and tea sets and table glassware and many other charming things are in the January sale of china and table glassware.

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Our operating force, seriously depleted by sickness, is meeting an exceedingly difficult situation in a manner deserving of the highest praise and the most kindly cooperation. In the interest of the public health and safety—Cooperate. Every unnecessary call places an unnecessary burden upon the operators, and may delay a vitally important message.

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